

*Agenda Item*

*2015-137*

**Treasury Services  
Authorization Resolution**  
(Version 2014.1)

Customer: City of Diamondhead  
(Sometimes referred to herein as "you" and "your")

**Definition of Bank:** For the purposes of this Resolution, effective as of April 1, 2014, "Bank" shall mean Whitney Bank, a Mississippi state chartered bank doing business as Hancock Bank in Mississippi, Alabama and Florida and doing business as Whitney Bank in Louisiana and Texas. The Services governed by this Resolution may be used to access or effect transactions in Customer's accounts at branches doing business as either Hancock Bank or Whitney Bank. Notwithstanding the provision of any Services under the trade name Hancock Bank, for contractual purposes this Resolution is entered into by and between Customer and Whitney Bank.

RESOLVED, that the following person(s) in the representative capacities set forth opposite their respective names below, and such Agent's successors in office or position,

NAMES	TITLES	SIGNATURES
Clovis B Reed Jr.	City Manager	X
Kristin Ventura	City Clerk	X
		X

are hereby appointed as the Authorized Officers of the Customer designated above, and each of them acting alone, is hereby authorized and empowered to act on behalf of, in the name of, and for the account of the Customer to contract and transact with Bank (as designated above) with respect to all of the matters authorized in the following resolutions;

RESOLVED FURTHER, that the Authorized Officers are hereby expressly authorized to:

(a) enroll Customer, in one or more of those Treasury Services offered from time to time by Bank, which services are listed and briefly described on Schedule 1 hereto (as amended from time to time, the "TM Services"), and to perform such transactions and initiate such inquiries as are available under the then current features and functionality of the TM Services for which Customer has elected to enroll;

(b) execute and deliver to Bank one or more contracts, documents or agreements, and the related enrollment and set-up forms related to any TM Services, and thereby accept and agreed to, in the name and on behalf of Customer all of the terms and conditions by which Bank agrees to render such TM Services to you (the "Agreements") including, without limitation, the terms conditions set forth in the Master Agreement for Treasury Services, as amended from time to time;

(c) appoint designated users or authorized representatives or administrator(s) (collectively "Users") who may be granted any and all authority to perform transactions and initiate inquiries as set forth pursuant to the Agreements applicable to the TM Services for which Customer has enrolled, including, but not limited to, the authority to designate or authorize other users of such TM Services and to set with regard to such other Users the level of functionality, access and transactional capabilities available to User and to add and delete Users, and to modify the rights granted to any User from time to time;

(d) access the TM Services and authorize Users to access the TM Services through such access codes, security devices or methods or other authentication technologies as may be required by Bank from time to time in

order to authenticate Users or access certain features and functionality of any of the TM Services;

(e) adopt and agree to security procedures for use of and access to the TM Services that the Authorized Officer has after due deliberation and consultation as deemed necessary with Customer's advisers determined are commercially reasonable and appropriate for the Customer, and to assume the risk of loss associated with use of the TM Services as set forth in the Agreements;

(f) designate eligible checking accounts, deposit accounts, commercial loans and other accounts by which the Customer's authorized Users may engage in any and all banking transactions available via the Treasury Services, including business accounts with different taxpayer identification numbers than that assigned to Customer, provided, however, that such accounts are owned by common owners, have one or more common signatories, or are otherwise affiliated with Customer; and

(g) execute and deliver any amendments or modifications to such Agreements.

RESOLVED FURTHER, that any transactions under any Treasury Services and/or any Agreement executed and delivered to Bank on your behalf by such representative(s) or pursuant to authority delegated by such representative(s) prior to the adoption of this Authorization Resolution are hereby ratified, approved and confirmed.

RESOLVED FURTHER, that any and all of your prior resolutions relating to the Treasury Services or the Agreements are still in full force and effect, except as specifically modified, amended or supplemented by this Authorization Resolution.

RESOLVED FURTHER, that you agree to any and all of the terms and conditions of the Agreements that have been or will be executed and delivered by any Authorized Officer or duly appointed User, as your legally valid and binding act and deed.

RESOLVED FURTHER, that you shall furnish to Bank a certified copy of this instrument and Bank is hereby authorized to deal with the above named or described persons, officers, representatives and/or employees under the authority of this instrument unless and until it shall be expressly notified in writing to the contrary by you and Bank has a reasonable period of time following receipt of such notice to act upon it.

RESOLVED FURTHER that the Customer shall, from time to time hereafter, as changes in the personnel of offices, positions, officers, representatives and/or employees of Customer named or described above are made, promptly certify such changes to Bank. Bank shall be fully protected in relying upon such certifications of the Customer, and shall be indemnified and held harmless from any claims, demands, expenses, losses and/or damages resulting from, or growing out of, honoring the authority of any officer(s), representative(s), agent(s), or employee(s) or other person(s) so certified, or refusing to honor the authority of any person not so certified.

**PLEASE COMPLETE THE APPROPRIATE CERTIFICATION FOR YOUR ENTITY BELOW**

**CERTIFICATION FOR CORPORATIONS**

I certify that the above and foregoing *Treasury Services Authorization Resolution* have been duly adopted by the board of directors of \_\_\_\_\_, a corporation duly organized and existing under the laws of the State of \_\_\_\_\_, that the above resolutions are duly entered in the minute book of this corporation, that the resolutions are in full force and effect on the date hereof, and that there is no limitation of any kind upon the power of the corporation to enter into the foregoing resolutions.

WITNESS my signature as secretary or assistant secretary of this Corporation on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

  X    
Secretary or Assistant Secretary

ATTEST:   X  

Attest by other Officer/Director required only if the Secretary or Assistant Secretary certifying the resolutions is a signatory designated to act as Agent.

(SEE BELOW FOR CERTIFICATIONS FOR ENTITIES OTHER THAN CORPORATIONS)

**CERTIFICATION FOR OTHER ENTITIES (Partnerships, Limited Liability Companies, and Other Entities)**

The undersigned are all of the persons required by the organizational documents and applicable law to authorize action by the following entity:

Name: City of Diamondhead

Entity: Public Fund

Jurisdiction where organized: Mississippi

We hereby adopt the above *Treasury Services Authorization Resolutions* as the true act and deed of the above named entity, and warrant and represent to the Bank designated above, jointly, severally, and solidarity, that the resolutions set forth above are legally effective to bind the above entity, and that Bank may rely thereon until otherwise notified by the undersigned.

**X**

Signature

Title

Name Printed

Date

**X**

Signature

Title:

Name Printed

Date

**X**

Signature

Title:

Name Printed

Date

**X**

Signature

Title

Name Printed

Date

**X**

Signature

Title

Name Printed

Date

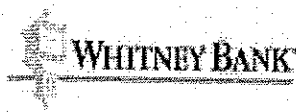
**X**

Signature

Title

Name Printed

Date



**Treasury Services  
Schedule 1**

<b>Treasury Solution Service</b> <u>[Includes Treasury Solution, Treasury Solution Suite and Cash Solution]</u>	<u>Description</u> Customer may elect to review information about the balances and transactions in their account(s) with Bank (balance reporting).
Information Reporting Prior Day Current Day	Allows Customer to review information about the deposits and deposited items in their account(s) with Bank (Deposit Image Module)
Deposit Image Module Commercial Loan Module	Allows Customer to view balances and transactions in their commercial loan and line of credit accounts at Bank, with optional features to enable manual or automated payments to or draws from such accounts. Bank Approval Required. (Commercial Loan Module)
Book Transfer	Customer may elect to transfer funds between their accounts at Hancock Bank and/or Whitney Bank.
Stop Payment	Customer may elect to place stop payments, modify stop payments or cancel stop payments on checks written off of their account(s).
Wire Transfer	Allows customer to submit domestic and international wire transfers to send collected funds to an account maintained with another financial institution.
Online Check Image	Customer may elect to retrieve view, and print the front and back of check images using a variety of online viewing tools.
<u>Positive Pay</u> Traditional	Bank compares checks issued by Customer and checks paid by Bank on a daily basis, and reports to Customer any discrepancies of check number or check amount, and provides Customer with a mechanism for accepting or rejecting final payment of the check.
Payee Name	In addition to the services of Traditional Positive Pay, Bank will also compare Payee Name and report any discrepancies to the Customer.
Teller Line	Issued checks are put into the Teller Line system so checks that are presented at the Teller Line can be compared to the Check Issue file.
Reverse Positive Pay	Bank provides Customer with a daily list of the checks that have been presented against their account and a mechanism to accept or reject final payment of the check.
ACH Processing	Allows Customer to initiate debit and/or credit electronic fund transfer entries through Bank by means of the automated clearing house.
Remote Deposit Capture	Allows Customer to make deposits to Customer's Account(s) from Customer's office by scanning Checks on equipment consisting of a desktop image scanner (the "Scanner"). The Scanner will capture an image of the front and back of the check and will read and capture the Magnetic Ink Character Recognition (MICR) line of the Check. After capture of the image of the Check, Customer will use the Service to transmit an electronic data file containing the images of the Checks and the data, via the Internet, to Bank for deposit into Customer's account(s).

Commercial Bill Pay	Allows Customer to pay anyone at anytime from their account(s), as well as, maintain a payment database of repeating payments. Customer can produce reports showing pending and historical payments.
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#### **Other Treasury Services**

Commercial Sweep Service	The Commercial Sweep Service is an integrated financial service in which Customer's excess collected funds above the designated target balance in the designated demand deposit account(s) ("DDA") shall be transferred by the Bank daily from the DDA and into one of the sweep selections – Eurodollar, Repurchase Agreement, Line of Credit or a Combination Sweep.
Outbound Data Exchange	Information reporting service in which information from Customer's designated Bank Accounts is exchanged by way of a company functioning as a Data Exchange Operator.
Inbound Data Exchange	An information reporting service in which Bank is the Primary Bank, and therefore acts as the reporter of consolidated account information from Customer's other designated banks.
Check Image on Compact Disk (CD)	Archive, retrieve, view, and print check images from Treasury Solution or from a CD-ROM.
<u>Account Reconciliation:</u> Full  Partial  Deposit	<p>Bank provides certain reconciliation reports to Customer at the end of each statement cycle based on a comparison between checks issued by Customer and checks paid by Bank.</p> <p>Bank provides a report of checks paid by the Bank in sequential order.</p> <p>Bank provides a report of deposits made by the Customer. The report lists deposits sequentially and sorted and sub-totaled by location code, which has been pre-encoded in the MICR line of the deposit slip.</p>
Zero Balance Account (ZBA)	Bank shall initiate automatic transfers of funds from certain accounts designated by Customer ("Subsidiary Accounts") into a single account (the "Master Account") designated by Customer to hold funds transferred from one or more Subsidiary Accounts in order to arrive at a specified ending balance ("target" balance) in each Subsidiary Account.
Image Cash Letter	<p>Bank shall provide to Customer a Service which allows Customer to leverage imaging infrastructure to capture images of consumer and business checks received at Customer's offices in an Image Cash Letter file ("File"). This file is then transmitted to the Bank for processing.</p> <p>The File consists of imaged checks and check data, including an image of the front and back of the check (each an "Image") and will capture the Magnetic Ink Character Recognition (MICR) line of the Check, including the routing transit number, account number, and when encoded, the check amount, serial number and process control field.</p> <p>If the File meets the Bank's requirements, Bank will provisionally credit Customer's Account for the amount of the deposit and will enter the images of the checks into the collection process in accordance with the Deposit Account Agreement.</p>

ACH Guard	ACH Guard enables the customer to control the posting of ACH transactions to customer's demand deposit account(s) with the Bank.
Lockbox	Allows Customer to direct its trade debtors to submit their payments to Customer through a third party lockbox processing site, for further deposit into Customer's account(s). In addition, lockbox processor will provide detailed deposit reports based on the Customer's needs.
Controlled Disbursement	Bank shall report to Customer each Bank business day the monetary value of checks that will be presented for payment (the "Check Clearing Total") against Customer's designated "Controlled Disbursement Accounts" at Bank's next posting of accounts. The purpose of the service is to assist Customer in estimating Customer's daily requirement for account funding, thereby facilitating Customer's management of their daily cash posting.
Bill Pay Direct Post	<p>This service helps streamline the receipt of consumer payments made thru bill pay vendors with the elimination of 'check &amp; list' processing and manual payment posting. Bill Pay Direct Post service converts Customer's check &amp; list bill payment records into one standard electronic file that can be posted directly into an accounting system using the Customer's standard format for posting payments.</p> <p>Any exceptions or errors flow into a reconciliation review which features a 'repair queue' which allows Customer to transform all the non-posted exceptions into accurately posted payments.</p>
Commercial Card Manager	Provides services related to Customer's use of Bank-issued Credit Cards. Enables Customer to issue cards, monitor, control, and process payments to cards. Provides reports to Customers regarding usage of Bank-issued Credit Cards.
Virtual Vault Service	The Virtual Vault Service extends the availability of cash services for deposits beyond the Bank's branch footprint. Our partner, Brinks, can retrieve a Customer's deposit anywhere in their nationwide network and process the deposits in Brink's secure cash rooms. Funds are then credited to the Customer's account. Deposits can be tracked by store location numbers and reported to the customer.
ACH UPIC/Safewire	Allows Customer to use a pseudo-account number for collecting electronic payments into their account(s). The pseudo-account number only allows for credit transactions to post into the account and rejects all debit transactions attempted using the pseudo-account number.
ACH/Wire Email Notifications	Allows Customer to receive an email notification when an electronic transaction has posted to their account.
REDI	Bank will provide Customer with a report of addenda data attached to ACH transactions.
Payroll Card	Pay employees without the expense of printing and mailing a physical paycheck. Instead, employers can pay all employees electronically through direct deposit of payroll and employees have access to such funds via the payroll card, which otherwise looks like a credit card. But there's no line of credit involved, and no need for the employee to set up a bank account. Each payday it gives the employee prompt access to his/her wages. The cards work in ATM machines, and function just like a debit cards at a merchant.

Bank reserves the right to amend this schedule from time to time by adding, removing, or otherwise altering the Treasury Services offered herein and the Customer agrees that its Authorization Resolutions will extend to and otherwise include those Treasury Services listed in this Schedule 1, as it presently exists or as hereafter amended.





RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON TWO DRAINAGE/UTILITY EASEMENTS BETWEEN LOTS 6 AND 7 OF BLOCK 1, DIAMONDHEAD SUBDIVISION PHASE 2 UNIT 11 HANCOCK COUNTY LOCATED WITHIN THE CITY

WHEREAS, the Mayor and City Council (the Governing Body) of the City of Diamondhead, Mississippi (the City), acting for and on behalf of the City, hereby finds and determines as follows:

1. The City currently possesses a 5' drainage and utility easement on either side of the common property line between lots 6 and 7 (along the north property of lot 7 and along the south property of lot 6) of Block 1, Diamondhead Subdivision Phase 2 Unit 11;
2. Structures of Diamondhead is the owner of lots 6 and 7 of Block 1, Diamondhead Subdivision Phase 2 Unit 11; The physical address is 944 Makiki Court. The ad valorem tax parcel number is 068J-1-41-014.000. Construction and site plans and a building permit application have been submitted for the construction of a "new" single family home; (See attached site plan and legal survey).
3. Comments from the Diamondhead Water and Sewer District reflect no water and sewer in the selected easements. Comments from the Diamondhead Public Works Department reflected selected easements are not needed; (See attached comments).
4. Further, the City hereby abandons and/or vacates the drainage/utility easements as petitioned to allow for the construction of a single family residence and due to no apparent need for the drainage/utility easements. These drainage/utility easements are a 5' drainage and utility easement on either side of the common property line between lots 6 and 7 (along the north property of lot 7 and along the south property of lot 6) of Block 1, Diamondhead Subdivision Phase 2 Unit 11 less and except the width of the 10' drainage easement of the front and rear property line; (See attached highlighted legal survey).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements with respect to Lots 6 and 7 described in bullet #4.

SECTION 2. It is agreed and understood that Jim Grotowski . will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Knobloch	_____	_____	_____
Councilmember Lopez	_____	_____	_____
Ward 2 - Vacant	_____	_____	_____
Councilmember Sislow	_____	_____	_____
Councilmember Rech	_____	_____	_____
Mayor Schafer	_____	_____	_____

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

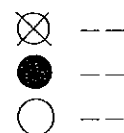
\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

(SEAL)

5 FOOT DRAINAGE & UTILITY EASEMENT ON SIDE Y,  
LINES.



# **SURVEY DESCRIPTION:**

A survey of Lots 6 & 7, Block 1, Unit 11, Diamondhead, Phase 2, a subdivision of Hancock County, Mississippi, as per the official map or plat thereof on file and of record in the Office of the Chancery Clerk of Hancock County, Mississippi.

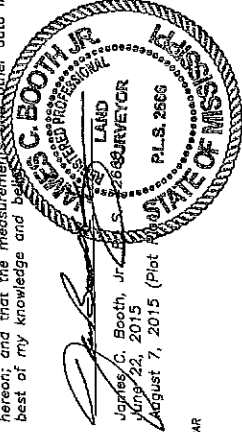
Note: This parcel is located in Zone "X" and "AE" (EL 17) of the flood hazard boundary and flood insurance rate map. Map No: 28045C02440, Effective 10/16/09.

Note: This Survey "Class B" was made in accordance with the "Standards of Practice for Surveying in the State of Mississippi, July, 2005".

Note: Bearings are based on subdivision plat of Diamondhead, Phase 2.

Note: This Survey does not reflect a title search by Seymour Engineering, nor should it be considered as such.

This is to CERTIFY that I have surveyed the property described and delineated herein, and that the measurements and other data indicated are correct to the best of my knowledge and belief.



RECEIVED  
AUG 10 2015  
BY:

## **SEYMOUR ENGINEERING**

925 TOMMY MUNRO DRIVE, SUITE G  
BILOXI, MISSISSIPPI 39532  
PHONE: (228) 365-2350  
FAX: (228) 365-2353

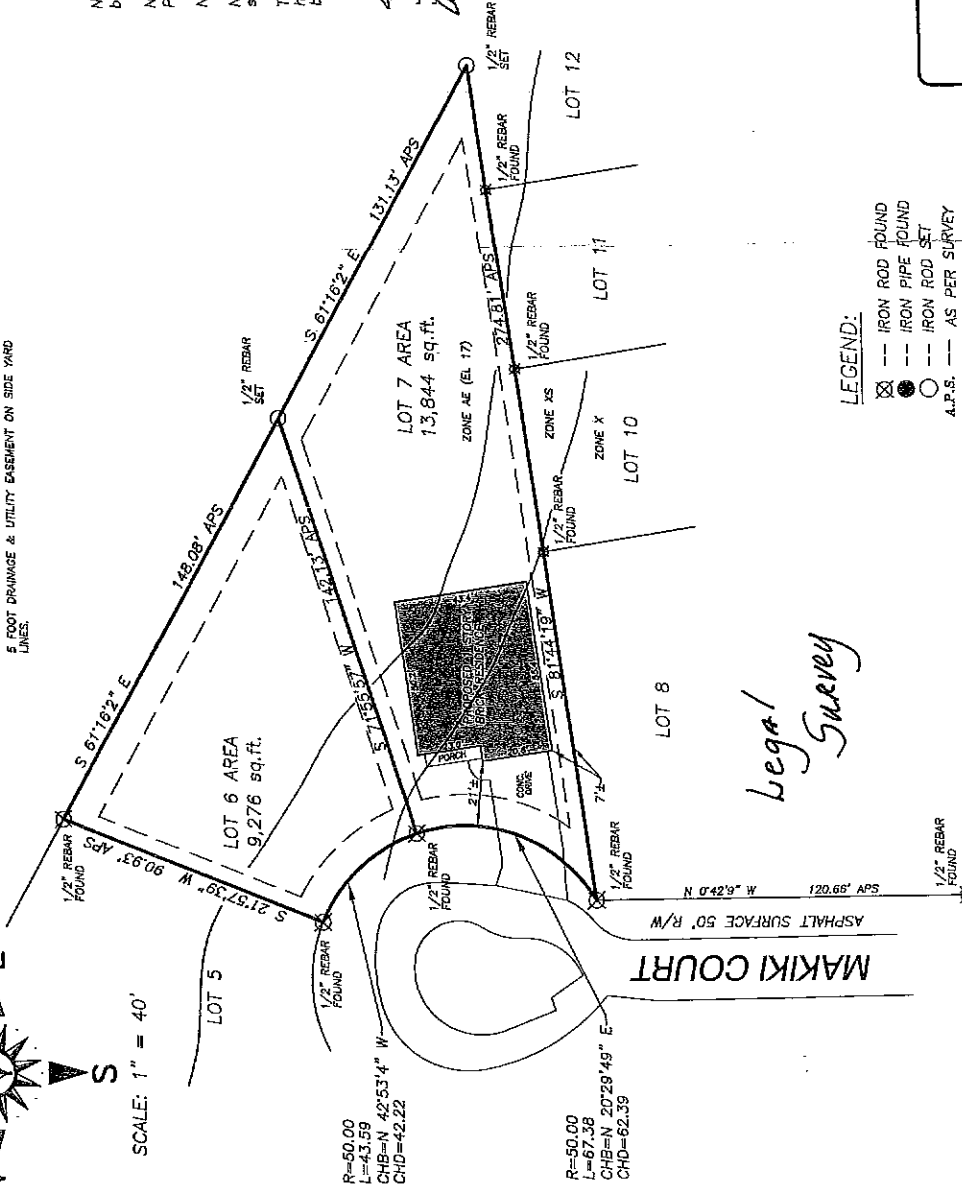
SE

515-10-048

EASEMENTS:  
10 FOOT DRAINAGE & UTILITY EASEMENT ON FRONT AND REAR LOT LINES.  
5 FOOT DRAINAGE & UTILITY EASEMENT ON SIDE YARD LINES.



SCALE: 1" = 40'



### **LEGEND:**

- IRON ROD FOUND
- IRON PIPE FOUND
- IRON ROD SET
- A.P.S. --- AS PER SURVEY
- A.P.R. --- AS PER RECORD
- POWER POLL

BENCHMARK:  
TOP NUT OF FIRE HYDRANT  
ELEVATION IS 30.21 FEET

# **SURVEY DESCRIPTION:**

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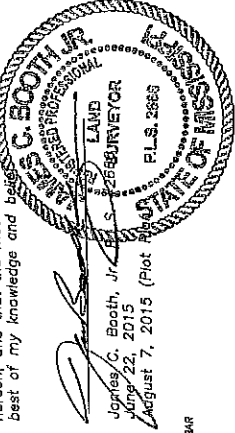
Note: This parcel is located in Zone "X" and "AE" (EL 17) of the flood hazard boundary and flood insurance rate map. Map No: 28045C0244D, Effective 10/16/09.

Note: This Survey "Class B" was made in accordance with the "Standards of Practice for Surveying in the State of Mississippi, July, 2005".

Note: Bearings are based on subdivision plat of Diamondhead, Phase 2.

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James C. Booth, Jr.  
Land Surveyor  
June 22, 2015  
August 7, 2015 (Plot No. 004)

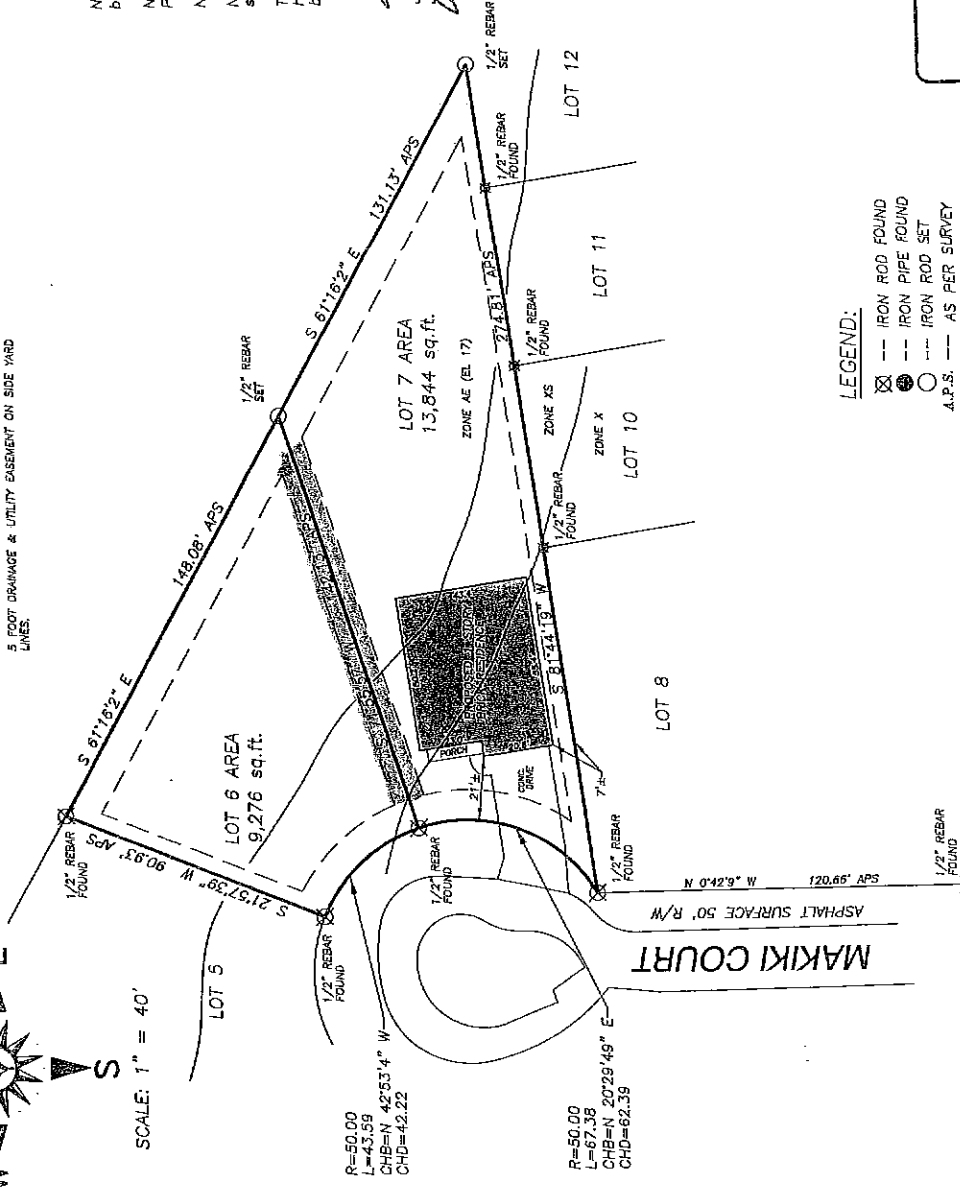
**RECEIVED**  
AUG 10 2015  
BY: \_\_\_\_\_

## **SEYMOUR ENGINEERING**

925 TOMMY MUNRO DRIVE, SUITE G  
BILOXI, MISSISSIPPI 39532  
PHONE: (228) 385-2350  
FAX: (228) 385-2353

ST15-10-048

EASEMENTS:  
10 FOOT DRAINAGE & UTILITY EASEMENT ON FRONT AND REAR LOT LINES.  
5 FOOT DRAINAGE & UTILITY EASEMENT ON SIDE YARD LINES.



### **LEGEND:**

- IRON ROD FOUND
- IRON PIPE FOUND
- IRON ROD SET
- A.P.S. --- AS PER SURVEY
- A.P.R. --- AS PER RECORD
- Ø --- POWER POLE

BENCHMARK:  
TOP NUT OF FIRE HYDRANT  
ELEVATION IS 30.21 FEET

## Ronald Jones

---

**From:** ndepreo@seymourengr.com  
**Sent:** Tuesday, September 22, 2015 4:18 PM  
**To:** Ronald Jones  
**Cc:** Clovis Reed; Richard Sullivan; Derek R. Cusick (derek@tindelllawfirm.com); Sean J. Tindell (sean@tindelllawfirm.com)  
**Subject:** Re: 944 MAKIKI COURT EASEMENT ABANDONMENT;  
**Attachments:** Mikiki Ct Sewer Proposal.pdf

Ron,

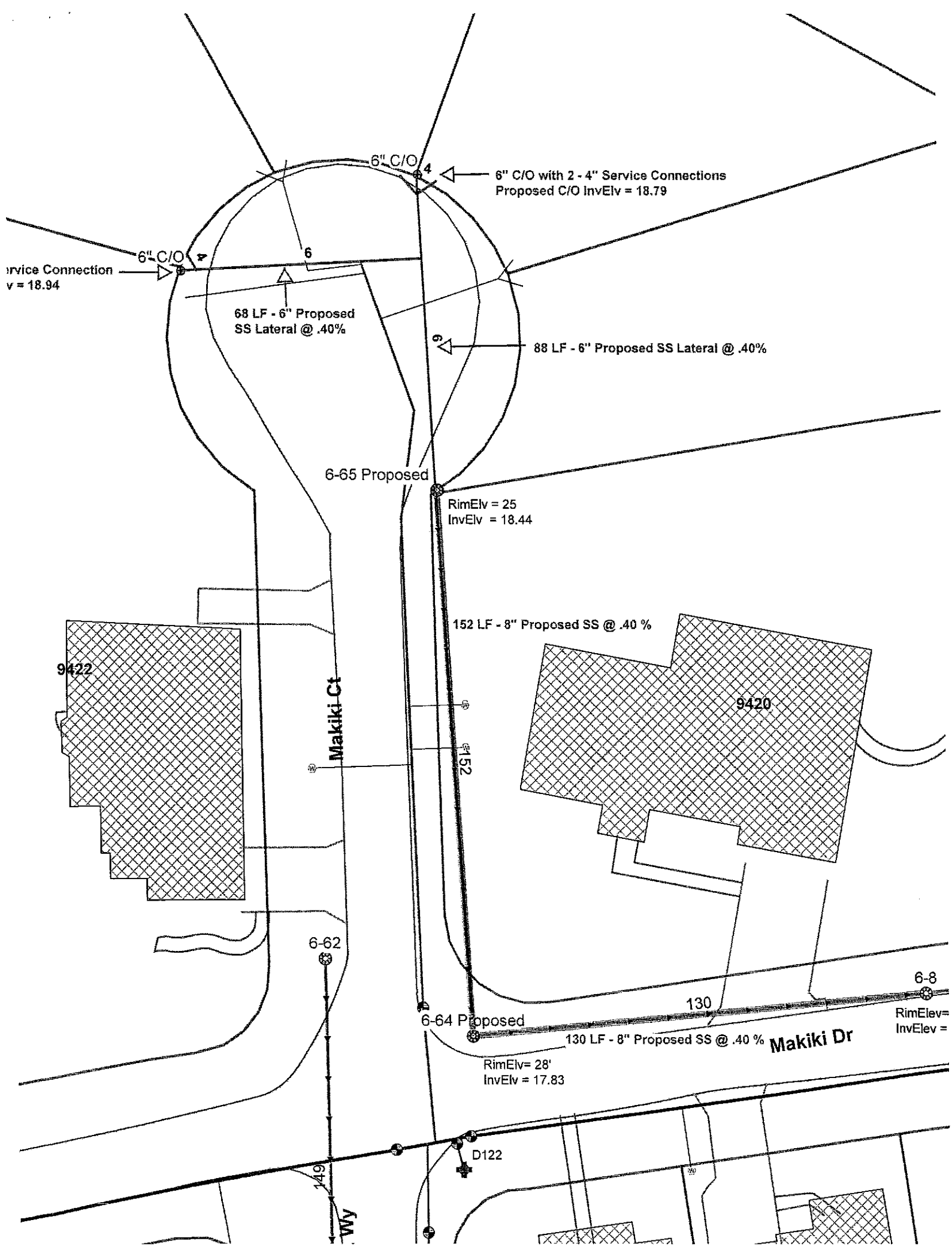
Please find attached the utilities located or proposed in this area.

The District does not have any utilities located in the easement between lots 6 & 7 and do not see a need for this easement in the future.

Thank you,  
Nancy Depreo  
Interim GM DWSD  
Seymour Engineering

Quoting Ronald Jones <rjones@diamondhead.ms.gov>:

>  
> 944 MAKIKI COURT EASEMENT ABANDONMENT;  
>  
> Good afternoon,  
>  
> Structures of Diamondhead (Jim Grotowski) has applied for a building  
> permit to construct a residential house at 944 Makiki Court. The ad  
> valorem tax parcel number is 068J-1-41-014.000 and the legal is Lots  
> 6 & 7, Block 1, Unit 11, Diamondhead Phase 2. The initial site plan  
> showed a structure entirely on Lot 7. However, since that time he is  
> combining Lots 6 & 7 together with the POA. The revised site plan  
> shows a house encroaching into the a 5 foot drainage and utility  
> easements on either side of the common property line between lots 6 &  
> 7.  
>  
> Will each of you make a written determination if these easements are  
> being used now or are needed in the future? If so, the abandonment of  
> these easements will have to be approved by the City Council. A quick  
> response would be appreciated in order to make the October 6th City  
> Council agenda.  
>  
> Ronald  
>  
>



**Ben Pearson**

---

**From:** Richard Sullivan  
**Sent:** Tuesday, September 22, 2015 7:04 AM  
**To:** Ben Pearson  
**Subject:** Fwd: 944 MAKIKI COURT EASEMENT ABANDONMENT;  
**Attachments:** 944 MAKIKI COURT EASEMENT ABANDONMENT.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Ronald Jones" <[rjones@diamondhead.ms.gov](mailto:rjones@diamondhead.ms.gov)>  
**To:** "Clovis Reed" <[creed@diamondhead.ms.gov](mailto:creed@diamondhead.ms.gov)>, "Richard Sullivan" <[rsullivan@diamondhead.ms.gov](mailto:rsullivan@diamondhead.ms.gov)>, "Nancy Depreo" ([ndepreo@seymoureneng.com](mailto:ndepreo@seymoureneng.com))" <[ndepreo@seymoureneng.com](mailto:ndepreo@seymoureneng.com)>  
**Cc:** "Derek R. Cusick" ([derek@tindelllawfirm.com](mailto:derek@tindelllawfirm.com))" <[derek@tindelllawfirm.com](mailto:derek@tindelllawfirm.com)>, "Sean J. Tindell" ([sean@tindelllawfirm.com](mailto:sean@tindelllawfirm.com))" <[sean@tindelllawfirm.com](mailto:sean@tindelllawfirm.com)>  
**Subject:** 944 MAKIKI COURT EASEMENT ABANDONMENT;

944 MAKIKI COURT EASEMENT ABANDONMENT;

Good afternoon,

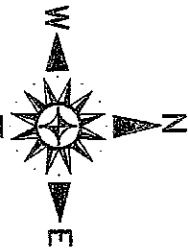
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Ronald

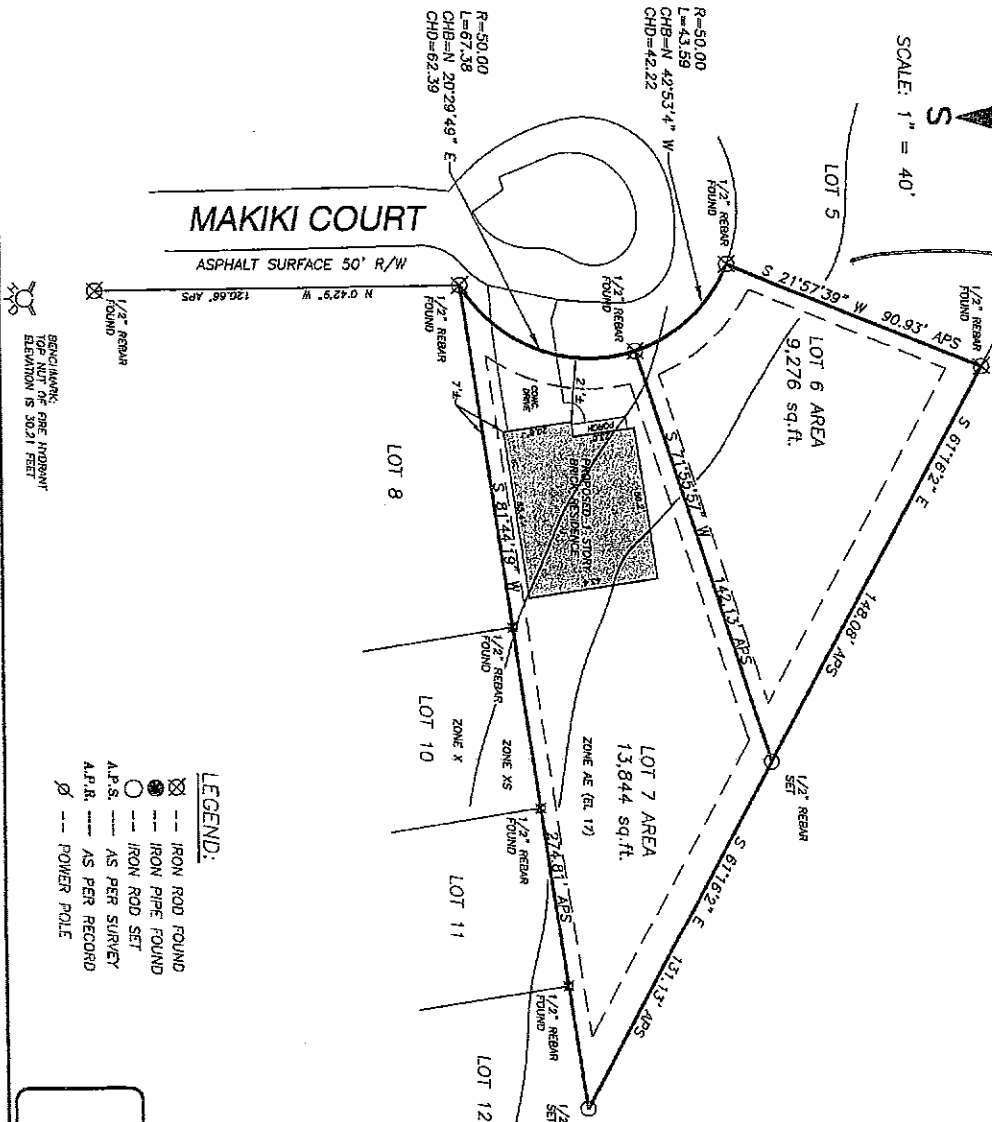
*Needs silt fence  
Ditch - Need debris  
removed -*





SCALE: 1" = 40'

EXISTENCES:  
10 FOOT DRAINAGE & UTILITY EASEMENT ON FRONT  
AND REAR LOT LINES  
5 FOOT DRAINAGE & UTILITY EASEMENT ON SIDE YARD  
LINES



LEGEND:  
--- IRON ROD FOUND  
--- IRON PIPE FOUND  
--- IRON ROD SET  
--- AS PER SURVEY  
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--- POWER POLE

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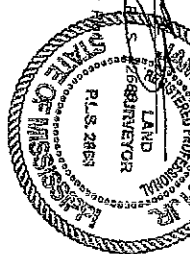
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Jorge C. Booth, Jr.  
Surveyor  
August 7, 2015 (Plot #)



RECEIVED  
AUG 10 2015  
BY:

SEYMOUR ENGINEERING  
925 TOMMY MUNRO DRIVE, SUITE 6  
BLOXIE, MISSISSIPPI 39532  
PHONE: (228) 385-2350  
FAX: (228) 385-2353



A TEXT AMENDMENT TO THE ZONING ORDINANCE  
ALLOWING CHAIN LINK FENCING IN PFR ZONING DISTRICT

A resolution of the Mayor and City Council of the City of Diamondhead amending Ordinance No. 2012-019 as amended (Zoning Ordinance) (Section 9.8 GENERAL REQUIREMENTS AND RESTRICTIONS; SUBSECTION H) to allow chain link fencing material in a PFR (Public Facilities and Recreation) zoning district.

WHEREAS, The proposed text amendment is as follows:  
CURRENT TEXT:

H. In C-1, C-2, T, and I zoning districts, fences shall not exceed six (6) feet in height, unless otherwise permitted by this ordinance, and may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or adjacent private property. Any property that requires a screening device shall conform to the general development ordinance.

PROPOSED TEXT CHANGE TO SUBSECTION H: Add

In the Public Facilities and Recreation (PFR) zoning district, fences shall not exceed six (6) feet in height unless otherwise permitted by the Zoning Administrator to the recreational needs and standards and for public safety concerns in parks which chain link may be utilized as the fence material.

REVISED TEXT CHANGE TO SUBSECTION H:

H. In C-1, C-2, T, and I zoning districts, fences shall not exceed six (6) feet in height, unless otherwise permitted by this ordinance, and may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or adjacent private property. Any property that requires a screening device shall conform to the general development ordinance.

In the Public Facilities and Recreation (PFR) zoning district, fences shall not exceed six (6) feet in height unless otherwise permitted by the Zoning Administrator to meet the recreational needs and standards and for public safety concerns in parks which chain link may be utilized as the fence material.

WHEREAS, the Mayor and City Council has reviewed the application, related materials and public comments from the public hearing held by the Planning and Zoning Commission on September 22, 2015 and finds that it would be in the best interest of the health, safety and welfare of the citizens of Diamondhead to amend Section 9.8 Subsection H.

NOW, THEREFORE, BE IT RESOLVED the Mayor and City Council of the City of Diamondhead do hereby amend Ordinance No. 2012-019 as amended (Zoning Ordinance) (Section 9.8 GENERAL REQUIREMENTS AND RESTRICTIONS; SUBSECTION H) to allow chain link fencing material in a PFR (Public Facilities and Recreation) zoning district. Add the following text to SUBSECTION H:

In the Public Facilities and Recreation (PFR) zoning district, fences shall not exceed six (6) feet in height unless otherwise permitted by the Zoning Administrator to the recreational needs and standards and for public safety concerns in parks which chain link may be utilized as the fence material.

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING RESOLUTION WAS ADOPTED IN THE AFFIRMATIVE BY THE FOLLOWING VOTE OF COUNCIL OF THE CITY OF DIAMONDHEAD ON THE 6<sup>TH</sup> DAY OF OCTOBER, 2015.

	Aye	Nay	Absent
Mayor Schafer	_____	_____	_____
Councilmember Knobloch	_____	_____	_____
Councilmember Lopez	_____	_____	_____
Ward 2 vacant	_____	_____	_____
Councilmember Rech	_____	_____	_____
Councilmember Sislow	_____	_____	_____

\_\_\_\_\_  
THOMAS SHAFER, IV MAYOR

ATTEST: \_\_\_\_\_  
Kristin Ventura, City Clerk

seal



# City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)

## STAFF REPORT TO CITY COUNCIL

DATE: October 1, 2015

CASE FILE NUMBER: 201500279

APPLICANT: City of Diamondhead represented by Ronald Jones

PROPERTY OWNER: N/A

TAX PARCEL NUMBER: N/A

PHYSICAL STREET ADDRESS: Effective to all land within a PFR zoning district

LEGAL DESCRIPTION:

ZONING DISTRICT: PFR (Public Facilities and Recreation)

TYPE OF APPLICATION: Text Amendment to the Zoning Ordinance

NATURE OF REQUEST: An application requesting a text amendment to the Zoning Ordinance (Section 9.8 GENERAL REQUIREMENTS AND RESTRICTIONS; SUBSECTION H) to allow the use of chain link fencing in a Public Facilities and Recreational zoning district.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: September 22, 2015

RECOMMENDATION TO CITY COUNCIL: To approve the text amendment as petitioned; Commissioners voted 5 ayes and 1 nays with 1 absent (Miller).

### **Article 2.8.4**

### **Legislative**

### **Disposition**

The mayor and city council shall examine all such applications, reports, and recommendations transmitted to it and shall take such further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further consideration. No land for which an application for reclassification has been denied by the mayor and city council shall be considered again by the Planning Commission or the mayor and city council for the same classification for at least one (1) year from the date such application was denied.

ATTACHMENTS: Application

Public Comments

Letter of Objection from Purcell Co.



# City of Diamondhead

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### **Article 2.8.4**

### **Legislative Disposition**

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City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525



Office 228-222-4626

Fax 228-222-4390

www.Diamondhead.ms.gov

*TEXT*  
APPLICATION FOR ZONING CHANGE

CASE NO. 2015 00 279

DATE 8/27/15

APPLICANT: City of Diamondhead by Ronald Jones

APPLICANT'S ADDRESS: 5000 Diamondhead Circle

APPLICANT'S TELEPHONE: (HOME) \_\_\_\_\_ (WORK) 228-222-4626

PROPERTY OWNER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

TAX ROLL PARCEL NUMBER: \_\_\_\_\_

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: NA

ZONING CHANGE (FROM) TEXT (TO) \_\_\_\_\_

STATE PURPOSE OF REZONING: Text amendment  
to allow chain link fencing  
in a PFR zoning district

**NOTICE OF PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
DIAMONDHEAD, MS**

The City of Diamondhead represented by Ronald Jones has filed an application requesting a text amendment to the Zoning Ordinance (Section 9.8 GENERAL REQUIREMENTS AND RESTRICTIONS; SUBSECTION H) to allow the use of chain link fencing in a Public Facilities and Recreational zoning district. Case File Number 201500279.

The proposed text amendment is as follows:  
CURRENT TEXT:

**H.** In C-1, C-2, T, and I zoning districts, fences shall not exceed six (6) feet in height, unless otherwise permitted by this ordinance, and may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or adjacent private property. Any property that requires a screening device shall conform to the general development ordinance.

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In the Public Facilities and Recreation (PFR) zoning district, fences shall not exceed six (6) feet in height unless otherwise permitted by the Zoning Administrator to meet the recreational needs and standards and for public safety concerns in parks which chain link may be utilized as the fence material.

In accordance with the Comprehensive Zoning Ordinance Article 2.9.3, the Planning Commission may recommend to the Mayor and City Council approval of a text amendment as the application was applied for or in a modified form or may recommend denial of the application.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, September 22, 2015 at 5:30 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend.

If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-222-4626.



**Public Comments**  
**PLANNING AND ZONING COMMISSION**  
**Diamondhead, Mississippi**  
**Diamondhead City Hall Council Chambers**  
**September 22, 2015**  
**5:30 p.m. CST**

**1. New Business – 2015-00279**

The City of Diamondhead represented by Ronald Jones has filed an application requesting a text amendment to the Zoning Ordinance (Section 9.8 GENERAL REQUIREMENTS AND RESTRICTIONS; SUBSECTION H) to allow the use of chain link fencing in a Public Facilities and Recreational zoning district. Case File Number 201500279.

Chairman Malley opened the floor for public comment. Darrell Kinchen, Diamondhead Property Owner's Association, spoke in support of the text amendment. He identified situations where chain link fence would be beneficial as it relates to safety at sports fields and the proposed dog park.

Commissioner Garrison opposed the use of chain link fence stating the use thereof would not be aesthetically pleasing.

Building Official Jones introduced for the record, a letter of objection from Purcell Co., Inc. suggesting the proposed amendment would in effect facilitate the use of chain link throughout Diamondhead, excluding residential areas. Further stating considerable thought was given in the development of original ordinances given the offensive aesthetics of such fencing.

Mark Boyd, DHPOA General Manager, spoke to Commissioner Garrison's comment regarding the use of a wooden fence at the RV/boat storage site. Boyd explained repairs were necessary after hurricane Katrina and wood fencing was used to repair those areas as well as to enhance areas visible to adjacent homeowners.

Lora Kolberta introduced herself as the replacement for Tammy Stagg who passed away suddenly on Friday and was the President of Four Paws Community Group. She explained Tammy had been working very hard in conjunction with the City and DHPOA for the proposed dog park. She asked the commission to give favorable consideration to allowing chain link fencing in order to continue with the plans for the proposed dog park.

Commissioner Garrison motion to deny died for lack of second.

Commissioner Smith moved, second by Commissioner Bice, to approve and was passed by the following vote.



## Ronald Jones

---

**From:** Carl Joffe <carl.joffe2@gmail.com>  
**Sent:** Tuesday, September 22, 2015 2:27 PM  
**To:** Ronald Jones  
**Cc:** tcgarrison@cableone.net; malleyent@aol.com; E.J. Bice; gbowser@cableone.net; millerma1007@aol.com; barbrogsmith@aol.com; Nita C. Hensley  
**Subject:** Amendment to Zoning Ordinance - Case File #201500279  
**Attachments:** DH - Zoning Amend (Chain Link Fencing) ltr.9-21-15.docx

Dear Mr. Jones,

Attached please find Purcell Co., Inc.'s formal objection to the requested text amendment to Section 9.8 of the Zoning Ordinance pending in Case File Number 201500279. Please include the attached letter in the case file for consideration at the Tuesday, September 22, 2015 Planning Commission meeting. Again, thank you for your assistance.

Sincerely,

Carl Joffe  
Purcell Co., Inc.  
4401 East Aloha Drive  
Diamondhead, MS 39525  
228-255-9130

September 21, 2015

Ronald R. Jones, Building Official  
City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525

RE: Case #: 201500279 Chain Link Fencing Amendment – Zoning Ordinance  
Our File: DH 4198.6

Dear Mr. Jones:

Please accept this letter as the formal objection of Purcell Co., Inc. ("Purcell") to the proposed text amendment to the Zoning Ordinance, Section 9.8, which would allow for installation of chain link fencing in Public Facilities and Recreation (PFR) zoned properties within the City of Diamondhead.

Except for residential lots, the proposed amendment would in effect facilitate the use of chain link fencing throughout Diamondhead. Golf courses, parks, green space, walking trails, swimming pools, ball fields, and all commercial areas could potentially then use chain link fencing. When the City drafted and approved its initial Zoning Ordinance, considerable thought was given to excluding chain link fencing because historically the Diamondhead community has, through the enactment of residential and commercial restrictive covenants and the issuance of building permits, discouraged the use of such fencing as aesthetically offensive.

We respectfully request that the Planning & Zoning Commission recommend denial of the proposed text amendment to Section 9.8. Thank you for your consideration.

Sincerely yours,

Carl H. Joffe, Counsel  
CC: Planning & Zoning Commissioners